

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAUL PHILLIPS, et. al.,

**DECLARATION OF MARK
D. ZUCKERMAN**

Plaintiffs,

-against-

THE CITY OF NEW YORK, et. al.,

21 CV 8149 (ALC)(SLC)

Defendants.

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MARK D. ZUCKERMAN, an attorney duly admitted to practice in the State of New York and the Southern District of New York, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am a Senior Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for defendant City of New York. As such, I am familiar with the facts stated below and submit this declaration to place the relevant information and documents on the record in further support of defendant City of New York's motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6), Fed. R. Civ. P. and motion to strike plaintiffs' class allegations pursuant to Rule 12(f), Fed. R. Civ. P.

2. Annexed hereto as Exhibit A is a true and exact copy of a bench warrant for plaintiff Paul Phillips.

3. Annexed hereto as Exhibit B is a true and exact copy of the NYPD Command Log entry for Paul Phillips, dated July 3, 2020.

4. Annexed hereto as Exhibit C is a true and exact copy of the NYPD holding pen roster entry for Paul Phillips, dated July 3, 2020.

5. Annexed hereto as Exhibit D is a true and exact copy of the NYPD arrest report for plaintiff Khaori Wright for his arrest of March 18, 2000.

6. Annexed hereto as Exhibit E is a true and exact copy of the NYPD's OLPA report for Khaori Wright's arrest of March 18, 2000.

7. Annexed hereto as Exhibit F is a true and exact copy of an arrest warrant for Khaori Wright.

8. Annexed hereto as Exhibit G is a true and exact copy of a DOC movement history for Khaori Wright.

9. Annexed hereto as Exhibit H is a true and exact copy of the NYPD arrest report for plaintiff Randy Rosario for his arrest of November 11, 2020.

10. Annexed hereto as Exhibit I is a true and exact copy of an arrest warrant for Randy Rosario.

11. Annexed hereto as Exhibit J is a true and exact copy of the NYPD's OLPA report for Randy Rosario's arrest of November 11, 2020.

12. Annexed hereto as Exhibit K is a true and exact copy of a DOC movement history for Randy Rosario.

13. Annexed hereto as Exhibit L is a true and exact copy of the NYPD arrest report for plaintiff Kylasia Thompson for her arrest of November 21, 2019.

14. Annexed hereto as Exhibit M is a true and exact copy of an NYPD Complaint Follow up report for Kylasia Thompson's arrest of November 21, 2019.

15. Annexed hereto as Exhibit N is a true and exact copy of the NYPD's OLPA report for Kylasia Thompson's arrest of November 11, 2020.

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16. Annexed hereto as Exhibit O is a true and exact copy of a bench warrant for plaintiff Kylasia Thompson.

17. Annexed hereto as Exhibit P is a true and exact copy of a DOC movement history for Kylasia Thompson.

18. Annexed hereto as Exhibit Q is a true and exact copy of the NYPD's Patrol Guide Section 208-42.

19. Annexed hereto as Exhibit R is a true and exact copy of the DOC's Operations Order 6/92.

Dated: New York, New York
February 28, 2023

/s/ Mark D. Zuckerman
Mark D. Zuckerman

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